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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,081	04/10/2002	Narumi Umeda	221913US2PCT	2884
22850	7590	03/29/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			WEST, LEWIS G	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/089,081	UMEDA ET AL.	
Examiner	Art Unit		
Lewis G. West	2682		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 12 January 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-4 and 7-18 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-4 and 7-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 10 April 2002 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_.  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_.

***Response to Arguments***

Applicant's arguments filed January 12, 2006 have been fully considered but they are not persuasive. Schwelb clearly shows the limitations as claimed. Alternative language is used and Schwelb eliminates at least a "content seam" and a "device seam" in accordance with proper interpretation of applicant's specification.

Change in environment is also alternatively claimed. Schwelb clearly shows a change in device capability and this fully meets the limitations of the claim, because when alternative language is used only one of the alternative limitations must be met. A "device/content seam" is "eliminated" as the MSC automatically changes the status of content sent to a subscriber based on a report from the terminal. See col. 6 lines 26-47.

Further the limitation "having the possibility of becoming a seam in mobile communication" is unclear. See the rejection under 35 USC 112 below.

***Claim Objections***

Claim 11 is objected to because of the following informalities:

Claim 11, in the preamble states "said network, said method comprising..." It is assumed applicant meant to eliminate "said network" as the remainder of the claim related to a method and that this was a result of typographical error.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation “having the possibility of becoming a seam in mobile communication” is unclear. The object, in accordance with applicant’s specification, is clearly a terminal, which is also reflected in applicant’s current amendments to the claims. A terminal cannot be a “seam” or interruption in communication. All of claims 1-18 incorporate this limitation.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by SCHWELB et al (US 5,950,123 A).

Regarding claim 1, SCHWELB et al discloses a mobile communication system capable of transferring information transmitted/received by a mobile terminal and including a network that has a predetermined resource therein comprising: detecting means for detecting at least one of a change in a communication environment in which an object to be inspected, having the possibility of becoming a seam in mobile communication exists and a change in a capability of said object to be inspected (column 6 lines 48-65); reporting means for notifying one or more

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apparatuses relating to said change detected by said detecting means of a result of said detection (column 5 lines 32-61); setting means for newly setting at least one of a network resource and a media type in conformity to said change detected by said detecting means for automatically eliminating at least one of a network seam, a content seam and device seam which are caused by said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and switching means for switching said network resource and media type into a content set by said setting means (column 5 lines 32-61) (also see column 7 lines 1-55).

Regarding claim 2, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be inspected includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

Regarding claim 3, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 4, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the switching means includes information converting apparatus which carries out, as said switching of media type, at least one of changing of media for information transferred over a network and changing of a transmission quality between the same media (column 5 line 62 to column 6 line 8).

Regarding claim 7, SCHWELB et al discloses a resource switching method for a mobile communication system capable of transferring information transmitted/received by a mobile terminal and including a network that has a predetermined resource therein, said method comprising the steps of: detecting, in said network side, at least one of a change in an environment in which an object to be inspected having the possibility or becoming a seam in mobile communication exists and a change in a capability of said object to be inspected (column 6 lines 48-65); notifying one or more apparatuses relating to said change detected by said detecting step of a result of said detection (column 5 lines 32-61); and setting at least one of a network resource and a media type in conformity to said change detected by said detecting step, for automatically eliminating at least one of a network seam, a content seam and device seam which are caused by said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and switching said network resource and said media format into a content set by said setting step (column 5 lines 32-61) (also see column 7 lines 1-55).

Regarding claim 8, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be inspected includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

Regarding claim 9, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 10, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the switching step includes a step of carrying out, as switching of said media type, at least one of changing of media type for information transferred over a network and changing of a transmission quality in the same media (column 5 line 62 to column 6 line 8).

Regarding claim 11, SCHWELB et al discloses a network control method in a mobile communications system capable of transferring information transmitted/received by a mobile terminal and including a network that has a predetermined resource therein, said method comprising the steps of: detecting, in said network side, at least one of a change in an environment in which an object to be inspected having the possibility or becoming a seam in mobile communication exists and a change in a capability of said object to be inspected from said object to be inspected (column 6 lines 48-65); determining at least one of a network resource and a media type suitable for said change specified by said detection report for automatically eliminating at least one of a network seam, a content seam and device seam which are caused by said detected change (column 5 lines 32-61); and controlling said object to be inspected concerning at least one of said determined network resource and media type so that said object conforms to said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8 (also see column 7 lines 1-55).

Regarding claim 12, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be inspected includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

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Regarding claim 13, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 14, SCHWELB et al discloses a network control apparatus constituting a part of a network having a predetermined resource and included in a mobile communication capable of transferring information transmitted/received by a mobile terminal, said network control apparatus comprising: receiving means for receiving a detection report, detected in said network side, of at least one of a change in a communication environment in which an object to be inspected having the possibility or becoming a seam in mobile communication exists and a change in a capability of said object to be inspected from said object to be inspected (column 6 lines 48-65); determining means for determining at least one of a network resource and an a media type suitable for said change specified by said detection report, received from said object to be inspected for automatically eliminating at least one of a network seam, a content seam and device seam which are caused by said detected change (column 5 lines 32-61); and control means for controlling said object to be inspected concerning at least one of said determined network resource and media type so that said object conforms to said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8) (also see column 7 lines 1-55).

Regarding claim 15, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the object to be inspected

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includes at least one of a communication terminal, transmission means for a radio area, and transmission means within a network (column 6 lines 48-65).

Regarding claim 16, see the rejection of the parent claim concerning the subject matter this claim depends from. SCHWELB et al further discloses that the network resource includes at least one of a wireless communication channel, a transmitter/receiver, a line within a network, a communication node apparatus, a communication terminal, an information switching apparatus, and an information converting apparatus (column 5 line 62 to column 6 line 8).

Regarding claim 17, SCHWELB et al discloses a mobile communication system capable of transferring information transmitted/received by a mobile terminal and including a network that has a predetermined resource therein, said network comprising: a detector configured to detect at least one of a change in a communication environment in which an object to be inspected having the possibility or becoming a seam in mobile communication exists and a change in a terminal capability of said object to be inspected (column 6 lines 48-65); a transmitter configured to notify one or more apparatuses relating to said change detected by said detecting means of a result of said detection (column 5 lines 32-61); a controller configured to set at least one of a network resource and a media type in conformity to said change detected by said detecting means for automatically eliminating at least one of a network seam, a content seam and device seam which are caused by said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and said controller configured to switch said network resource and media type into a content set by said setting means (column 5 lines 32-61) (also see column 7 lines 1-55).

Regarding claim 18, SCHWELB et al discloses a network control apparatus constituting a part of a network having a predetermined resource and included in a mobile communication capable of transferring information transmitted/received by a mobile terminal, said network control apparatus comprising: a receiver configured to receive a detection report, detected in said network side, of at least one of a change in a communication environment in which an object to be inspected, having a possibility of becoming a seam in mobile communication, exists and a change in a terminal capability of said object to be inspected from said object to be inspected (column 5 lines 32-61 and column 6 lines 48-65); a processor configured to determine at least one of a network resource and a media type suitable for said change specified by said detection report received from said object to be inspected for automatically eliminating at least one of a network seam, a content seam and device seam which are caused by said detected change (column 5 lines 32-61 and column 5 line 62 to column 6 line 8); and a controller configured to control said object to be inspected concerning at least one of said determined network resource and media type so that said object to be inspected conforms to said detected change (column 5 lines 32-61) (also see column 7 lines 1-55).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 571-272-7859. The examiner can normally be reached on Monday-Friday 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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